

Fiscal Estimate - 2015 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

LRB Number 15-0886/1	Introduction Number SB-299	
Description Lethal violence protective temporary restraining orders and injunctions and providing a criminal penalty		
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div> Local: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate <div style="display: flex;"> <div style="width: 50%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 50%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> </div> </div> <div style="width: 33%;"> 5. Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Cities </div> </div> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>		
Agency/Prepared By DA/ Phil Werner (608) 267-2700	Authorized Signature Kevin Vesperman (608) 267-1001	Date 10/22/2015

Fiscal Estimate Narratives

DA 10/22/2015

LRB Number	15-0886/1	Introduction Number	SB-299	Estimate Type	Original
Description					
Lethal violence protective temporary restraining orders and injunctions and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person may not possess a firearm and must surrender any firearm they possess if they are subject to a domestic abuse injunction, a child abuse injunction, or certain harassment injunctions. This bill creates a lethal violence protective temporary restraining order and a lethal violence protective injunction, which may be issued based on a petition filed by a law enforcement officer or a family or household member of the respondent. The court must find reasonable grounds to believe the respondent is substantially likely to injure himself or herself or another person if the respondent possesses a firearm.

Prosecutors provided differing points of view regarding this bill. Some indicated a desire to support the bill, and anticipated there would not be a significant effect on their office's workload. Others, however, stated that the court may issue an injunction if it finds "reasonable grounds" to believe the respondent may harm himself/herself or others. This very low burden of proof could affect many people, particularly in rural parts of the State where many citizens own guns, and impose a significant hardship on DA offices due to the number of cases that could occur.

Because prosecutors did not come to an agreement about this bill, and because the potential number of violations of the bill is unknown, a fiscal estimate is indeterminate.

Long-Range Fiscal Implications

As stated above, a long-term fiscal estimate is indeterminate.